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| 10/775,159 | 02/11/2004 | Koji Kabatani | 1619.1027 | 1210 |
| 21171 7590 06/06/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | | |
| EXAMINER | | | | |
| MAL, KEVIN S | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,159

Applicant(s)

KABATANI, KOJI

Examiner

KEVIN S. MAI

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 8-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 March 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date 3/18/08
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action has been issued in response to Applicant's Amendment filed March 31, 2008.
2. Claims 1-7 and 14-18 have been canceled and Claims 8, 10, 11 and 12 have been amended. Claims 8-13 have been examined and are pending.

Drawings

3. The drawings were received on 3/31/2008. These drawings are acceptable. In view of the new drawings the objections to Figures 3-6 and 10 are withdrawn.

Claim Objections

4. In view of claim 6 being canceled the pending claim objection has been withdrawn.

Claim Rejections - 35 USC § 112

5. In view of claims 5-7 being canceled the pending claim rejections under 35 USC § 112 have been withdrawn.

Claim Rejections - 35 USC § 101

6. In view of claim 17 being canceled the pending claim rejection under 35 USC § 101 has been withdrawn.

Response to Arguments

7. Applicant's arguments filed March 31, 2008 have been fully considered.
8. Applicant's arguments with respect to claims 8 and 9 have been considered but are not persuasive. Applicant argues that Rumreich fails to disclose the limitation 'the streaming server sets display time per the collected text data on a basis of the number of the collected text data and the number of text data which can be displayed on a screen at a time'. Examiner sustains that Rumreich does teach the limitation. Rumreich recites 'when two full rows of text fill the caption window the scroll function pauses and thereafter scrolls a new line of text into the window. This pause is modulated to increase or decrease its duration depending upon the buffer fullness'. This teaches the same thing, because the amount of time any line stays on the screen is based on the fullness of the buffer. This is the same as the applicant's invention of setting the display time on the basis of the number of collected text data. The applicant's 'sets display time' is the same as Rumreich's 'pause is modulated', 'on a basis of the number of collected text data' is the same as 'based on the fullness of the buffer', and 'number of text data which can be displayed on a screen at a time' is the same as 'when two full rows of text fill the caption window'.
9. Applicant's arguments with respect to claims 10 and 11 have been considered but are moot in view of the new ground(s) of rejection.
10. Applicant's arguments with respect to claims 12 and 13 have been considered but are not persuasive. Applicant argues that Kay fails to disclose the limitation 'the streaming server

superimposes a new text data along with at least one of the collected text data at the same time according to the meaning of one of the collected text data, the meaning of the new text data being different from one of the collected text data'. Examiner sustains that Kay does teach the limitation. Figure 6 of the applicant's disclosure shows an example of the feature where when a specific keyword is mentioned a response message is displayed at the same time. Kay also does this, in figure 5 it gives an example of if "add ticker symbols to my stock portfolio" is received the response "your portfolio is ..." is output. As such it is seen that when a specific phrase was mentioned as response message was then output, which is seen to be the same as the applicant's limitation.

Claim Rejections - 35 USC § 102

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
12. In view of Claims 1-3 and 14-18 being canceled the related pending claim rejections under 35 USC § 102 have been withdrawn.
13. Claims 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by US. Pub. No. 2003/0101450 A1 to Davidsson et al. (hereinafter "Davidsson").
14. **As to Claim 10, Davidsson discloses a streaming delivery method comprising:**

collecting text data relating to a moving image content (Paragraph [0010] of Davidsson discloses receiving text communications from at least one other television viewer) **being streamed by a streaming server** (Paragraph [0010] of Davidsson discloses receiving a broadcast video signal which is inherently a streaming system), **the text data being written from a user terminal** (Paragraph [0025] of Davidsson discloses that the user is able to send own text comments to the chat service provider via the input output unit);

superimposing the collected text data on the moving image content being streamed by the streaming server (Paragraph [0025] of Davidsson discloses receiving a broadcast video signal and displaying the television program on the display together with text communications received from other television viewers); **and**

delivering the moving image content on which the text data is superimposed to the user terminal by the streaming server (Paragraph [0028] of Davidsson discloses that the chat communications is multiplexed into the broadcast stream and received together with the broadcast video signal);

wherein the streaming server set the display position of at least one of the collected text data on the screen according to the meaning of the text data (Paragraph [0032] and Figure 4 of Davidsson disclose text communications may be displayed close to the avatar image representing the chat participant who made the comment. As seen in Figure 4 these avatars are in different positions. Thus it is seen that the display positions of the text is set according to the meaning of the text data, namely where the meaning is from whom the text originated).

15. **As to Claim 11**, Davidsson discloses the invention as claimed as described in claim 10, **wherein the display position on the screen is predetermined for each of the text data** (Paragraph [0032] and Figure 4 of Davidsson disclose text communications may be displayed close to the avatar image representing the chat participant who made the comment. The predetermined positions are the positions of the avatars on the screen).

Claim Rejections - 35 USC § 103

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

17. In view of Claims 4-7 being canceled the related pending claim rejections under 35 USC § 103 have been withdrawn.

18. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidsson and further in view of US Pat. No. 5929927 to Rumreich et al. (hereinafter "Rumreich").

19. **As to Claim 8**, Davidsson discloses a **streaming delivery method comprising: collecting text data relating to a moving image content** (Paragraph [0010] of Davidsson discloses receiving text communications from at least one other television viewer) **being streamed by a streaming server** (Paragraph [0010] of Davidsson discloses receiving a broadcast video signal which is inherently a streaming system), **the text data being written**

from a user terminal (Paragraph [0025] of Davidsson discloses that the user is able to send own text comments to the chat service provider via the input output unit);

superimposing the collected text data on the moving image content being streamed by the streaming server (Paragraph [0025] of Davidsson discloses receiving a broadcast video signal and displaying the television program on the display together with text communications received from other television viewers); **and**

delivering the moving image content on which the text data is superimposed to the user terminal by the streaming server (Paragraph [0028] of Davidsson discloses that the chat communications is multiplexed into the broadcast stream and received together with the broadcast video signal);

Davidsson does not explicitly disclose **wherein the streaming server sets display time per the collected text data on a basis of the number of the collected text data and the number of text data which can be displayed on a screen at a time.**

However, Rumreich discloses this (Column 3 lines 15-60 of Rumreich discloses that when two full rows of text fill the caption window the scroll function pauses and thereafter scrolls a new line of text into the window. The pause is modulated to increase or decrease its duration depending upon the buffer fullness. Where the display time is seen to be equivalent to the pause time before scrolling a new line of text, the buffer fullness is equivalent to the number of the collected text data, and the two full rows of text are equivalent to the number which can be displays on a screen at a time. Thus it is seen that the server sets the display time (pause is modulated) on a basis of the number of the collected text data (depending upon the buffer

fullness) and the number of text data which can be displayed (when two full rows of text fill the caption window))

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the delivery method as disclosed by Davidsson, with modulating the duration of the display time as disclosed by Rumreich. One of ordinary skill in the art would have been motivated to combine in order to improve the comprehensibility of the displayed text information (Column 3 lines 15-30 of Rumreich).

20. **As to Claim 9**, Davidsson-Rumreich discloses the invention as claimed as described in claim 8, **wherein, in a case that the number of collected text data is greater than the number of text data which can be displayed on a screen at a time, the streaming server sets the display time to a shorter value as the number of collected text data increases** (Column 3 lines 15-60 of Rumreich discloses that when two full rows of text fill the caption window the scroll function pauses and thereafter scrolls a new line of text into the window. The pause is modulated to increase or decrease its duration depending upon the buffer fullness. When the buffer is very full no pause is generated, this implies that the display time is shortened as the number of collected data increases. Column 5 lines 1-10 of Rumreich further disclose that as the amount of text available for display increases, the duration of the pause decreases).

Examiner recites the same rationale to combine used in claim 8.

21. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidsson and further in view of US Pub. No. 2002/0103917 to Kay et al. (hereinafter "Kay").

22. **As to Claim 12**, Davidsson discloses **a streaming delivery method comprising: collecting text data relating to a moving image content** (Paragraph [0010] of Davidsson discloses receiving text communications from at least one other television viewer) **being streamed by a streaming server** (Paragraph [0010] of Davidsson discloses receiving a broadcast video signal which is inherently a streaming system), **the text data being written from a user terminal** (Paragraph [0025] of Davidsson discloses that the user is able to send own text comments to the chat service provider via the input output unit); **superimposing the collected text data on the moving image content being streamed by the streaming server** (Paragraph [0025] of Davidsson discloses receiving a broadcast video signal and displaying the television program on the display together with text communications received from other television viewers); **and delivering the moving image content on which the text data is superimposed to the user terminal by the streaming server** (Paragraph [0028] of Davidsson discloses that the chat communications is multiplexed into the broadcast stream and received together with the broadcast video signal); **wherein the streaming server superimposes a new text data along with at least one of the collected text data at the same time according to the meaning of one of the collected text data, the meaning of the new text data being different from one of the collected text data** (Abstract of Kay discloses a system for interactively responding to queries (collected text data) from a user sending messages, the query is interpreted and appropriate action (according to the meaning) is taken. The answer is formatted and returned to the user as an instant message

(imposing the new text). This is seen to be the same action that is going on according to Figure 6 of the applicant's disclosure. The system says something in response to something a user said in the applicant's invention and similarly Kay discloses a user getting a response to something they said).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the delivery method as disclosed by Davidsson, with responding to queries as disclosed by Kay. One of ordinary skill in the art would have been motivated to combine (Paragraph [0006] of Kay) provide an instant messaging based system which interactively responds to and services requests from remotely located users. The applicant's invention is read to be a chat room and Kay's system was designed to improve instant messaging, which is a form of chat.

23. **As to Claim 13**, Davidsson-Kay discloses the invention as claimed as described in claim 12, **wherein the new text data is predetermined for each of the text data** (Abstract of Kay discloses that appropriate action is taken for queries such as accessing a local or remote data resource and generating an answer to the user's query. This is read to be having predetermined new text because the answer to the query is held in a data resource ready to be accessed).

Examiner recites the same rationale to combine used in claim 12.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN S. MAI whose telephone number is (571)270-5001. The examiner can normally be reached on Monday through Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KSM

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2146